



NEWS

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FCC PROPOSES \$5,379,000 FINE AGAINST FAX.COM, INC. FOR VIOLATING “JUNK FAX” PROHIBITION

Washington, D.C. – Today the Federal Communications Commission (FCC) proposed to fine Fax.com, Inc. \$5,379,000 for sending unsolicited advertisements, commonly known as “junk faxes,” in violation of the Telephone Consumer Protection Act (TCPA) and Commission rules. Today’s action represents the largest fine ever proposed by the Commission for violations of the TCPA and marks the first forfeiture action by the FCC against a fax broadcaster.

The Commission determined that Fax.com, which operates as a “Fax Broadcaster” faxing messages on behalf of others for a fee, apparently violated the TCPA and the Commission’s rules on 489 separate occasions. Moreover, the Commission found that Fax.com appears to have engaged in a pattern of deception to conceal its involvement in sending the prohibited faxes, and that the company has not been forthcoming in its dealings with the agency.

In view of the “pervasive and egregious pattern of deception” underlying the apparent violations and the gravity of Fax.com’s conduct, the Commission concluded that Fax.com is apparently liable for the maximum fine of \$11,000 for each of the 489 fax violations, for a total proposed fine of \$5,379,000.

In related actions, the Commission staff is issuing over 100 citations and letters of inquiry to businesses that used Fax.com to send their advertisements to telephone facsimile machines. The citations warn the businesses that they may face fines of up to \$11,000 per violation if they continue to send unsolicited fax advertisements.

Action by the Commission on August 2, 2002 by Notice of Apparent Liability, (FCC 02-226). Chairman Powell; Commissioners Abernathy (issuing a separate statement), Cops and Martin.

File No. EB-02-TC-120

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